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17
18 UNITED STATES DISTRICT COURT
19 FOR THE CENTRAL DISTRICT OF CALIFORNIA
20 WESTERN DIVISION

21
22 POLARIS POWERLED
23 TECHNOLOGIES, LLC

24 Plaintiff,

25 v.

26 VIZIO, INC., HON HAI PRECISION
27 INDUSTRY CO., LTD. D/B/A
28 FOXCONN TECHNOLOGY
GROUP, COMPETITION TEAM
TECHNOLOGY USA INC., TOP
VICTORY ELECTRONICS
(TAIWAN) CO. LTD., TOP
VICTORY INVESTMENTS LTD.,
TPV TECHNOLOGY LTD., TPV
INTERNATIONAL (USA), INC.,
TREND SMART AMERICA, LTD.,
INNOLUX CORP., INNOLUX USA,
INC., AMTRAN TECHNOLOGY
CO., LTD., AMTRAN LOGISTICS,
INC., and NEWEGG, INC.,

Defendants.

Case No. 2:23-cv-03478

**DEFENDANTS' UNOPPOSED
MOTION TO AMEND
JUDGMENT UNDER FEDERAL
RULES OF CIVIL PROCEDURE
RULE 59(e)**

Judge: Honorable George Wu
Date: September 8, 2025
Time: 8:30 AM
Courtroom: 9D

1 TO THE COURT AND ALL PARTIES AND THEIR RESPECTIVE
2 ATTORNEYS OF RECORD: PLEASE TAKE NOTICE that at the above time and
3 place, the above-named Defendants will and hereby does move for an order pursuant
4 to Federal Rule of Civil Procedure 59(e) to amend the final judgment to reflect
5 dismissal *with* prejudice.

6 This Motion is made following the conferences of counsel on August 4, 2024,
7 pursuant to Local Rule 37-1.

8 This motion is based on this Notice of Motion and Memorandum of Points and
9 Authorities below, and all materials incorporated or relied upon in it, and matters of
10 which this Court may take judicial notice, and any and all other materials the Court
11 deems proper.

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14 Dated: August 11, 2025

15 QUINN EMANUEL URQUHART &
16 SULLIVAN, LLP
17 /s/ Zachariah Summers
18 Zachariah Summers
19 Attorney for Defendant VIZIO, Inc.

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1 Defendants respectfully move this Court, pursuant to Federal Rule of Civil
2 Procedure 59(e), to amend the final judgment to reflect dismissal *with* prejudice.

3 The PTAB recently invalidated the asserted claims of the sole asserted patent
4 in this case: US Patent No. 7,843,148. *See Vizio, Inc. v. Polaris PowerLED Techs.,*
5 *LLC, IPR2024-00073* (P.T.A.B.). On July 31, 2025, this Court dismissed Plaintiff
6 Polaris PowerLED Technologies Ltd.’s claims *without prejudice* in light of Polaris’s
7 representation that it did not wish to pursue this case further in view of the PTAB’s
8 decision. Defendants respectfully request that the Court amend its July 31, 2025
9 Order pursuant to Rule 59(e) to reflect a dismissal *with prejudice*, with each side
10 bearing its own costs and fees. Polaris has confirmed that it does not oppose this
11 request.

12 Dismissal with prejudice is proper to adequately reflect the outcome of the case
13 in the record, in case of subsequent litigation. Courts in the 9th Circuit have
14 previously ordered dismissal of a case with prejudice when all asserted claims of a
15 patent have been found invalid by a PTAB proceeding. *See, e.g., Deep Sky Software,*
16 *Inc. v. Sw. Airlines Co.*, No. 10-CV-1234-CAB (KSC), 2015 WL 10844231, at *3
17 (S.D. Cal. Aug. 19, 2015) (dismissing Plaintiff’s case with prejudice after IPR found
18 all asserted claims invalid). And dismissal with prejudice is appropriate where it
19 would be inappropriate or prejudicial to “to allow plaintiff to refile the action.””
20 *Williams v. Peralta Cnty. Coll. Dist.*, 227 F.R.D. 538, 539-40 (N.D. Cal. 2005)
21 (quoting *Burnette v. Godshall*, 828 F. Supp. 1439, 1443 (N.D. Cal. 1993), *aff’d sub*
22 *nom. Burnette v. Lockheed Missiles & Space Co.*, 72 F.3d 766, 767 (9th Cir. 1995)).

23 Polaris’s agreement to not oppose this motion reinforces that dismissal with
24 prejudice is appropriate. The parties have further agreed that there will be no further
25 motion practice after dismissal with prejudice.

26 For the reasons set forth above, Defendants respectfully request this Court
27 amend its July 31, 2025 order to dismiss this case *with* prejudice.
28

1 Dated: August 11, 2025

/s/ *Zachariah Summers*

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27 *Defendants, AmTRAN Defendants, and*
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12 *Attorneys of Record for Defendant
13 Newegg, Inc.*

ATTORNEY ATTESTATION

2 I, Zachariah Summers, am the ECF User whose ID and password are being
3 used to file this stipulation. In compliance with Local Rule 5-4.3.4, I hereby attest
4 that all other signatories listed, and on whose behalf the filing is submitted, concur
5 in the filing's content and have authorized the filing.

8 | Dated: August 11, 2025

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PROOF OF SERVICE

I, Yunzhi Lin, hereby certify that on August 11, 2025, I electronically filed the foregoing document, DEFENDANTS' MOTION TO AMEND JUDGMENT, with the Clerk of Court using the CM/ECF System which will send notification to all counsel of record.

Dated: August 11, 2025

/s/ *Yunzhi Lin*

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